

## REMARKS

Upon entry of the forgoing amendment, claims 1-24 are pending in the application, with claims 1, 4, 5, and 6 being the independent claims. Based on the above amendments and the following remarks, Applicant respectfully requests that the Office reconsider all outstanding objections and rejections, and that they be withdrawn.

### *Rejection under 35 U.S.C. § 103*

Independent claims 1 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Zhang* (US 6,016,478), in view of *Hotaling* (US 5,124,912) and further in view of *Dedrick* (US 5,724,521). Applicants respectfully traverse these rejections and submit that the rejected claims are allowable over the art of record.

With respect to claim 1, Applicants submit that *Zhang*, *Hotaling* and *Dedrick*, considered alone or in combination, do not teach or suggest all of the elements of amended claim 1. For example, at the least, Applicants submit that *Zhang*, *Hotaling* and *Dedrick*, considered alone or in combination, do not teach or suggest a

“A system for scheduling time intervals for a plurality of invitees in a networked environment comprising: .... graphical user interface means permitting a user to select from at least three results viewing options including a viewing option displaying the one or more potential invitees that are available, a viewing option displaying the one or more potential invitees that are not available and a viewing option displaying the one or more potential invitees whose schedule could not be found ....,”

Claim 1 (emphasis added).

More significantly, the Office itself has not asserted that *Hotaling*, *Zhang* or *Dedrick*, considered alone or in combination, teach or suggest “at least three viewing options including (1) a viewing option displaying the one or more potential invitees that are available, (2) a viewing option displaying the one or more potential invitees that are not available and (3) a viewing

option displaying the one or more potential invitees whose schedule could not be found,” as is recited in claim 1. Nevertheless, the Office has rejected claim 1 over these references because the Office maintains that the difference between the claimed invention and the references is not a patentable difference. According to the Office, the difference is not a patentable difference because “multiple viewing options is simply a matter of obvious engineering design choice, since presenting information according to multiple viewing options is a common activity in the art of graphical user interface design.” *See* Final Office Action, page 2.

Assuming for the sake of argument that the Office’s assertion with respect to multiple viewing options is true, the assertion, nevertheless, does not establish claim 1 as being obvious. It does not establish claim 1 as being obvious because claim 1 is not so broad that it covers all multiple viewing options. More specifically, claim 1 recites three specific viewing options as follows: (1) a viewing option displaying the one or more potential invitees that are available, (2) a viewing option displaying the one or more potential invitees that are not available, and (3) a viewing option displaying the one or more potential invitees whose schedule could not be found. Because claim 1 does not merely recite “multiple viewing options,” but rather recites three specific viewing options, claim 1 is not obvious in view of the mere fact that it may be common to have multiple viewing options. That is, the fact that it may be common to have multiple viewing options does not *ipso facto* establish a prima facie case of obviousness with respect to claim 1.

To establish a prima facie case of obviousness, the Office must show, among other things, that the prior art reference (or references when combined) teach or suggest all of the features of claim 1. *See* MPEP § 2143 (emphasis added). To date, the Office has not shown that the prior art, considered alone or in combination, teach or suggest “at least three viewing options including (1) a viewing option displaying the one or more potential invitees that are available, (2) a viewing option displaying the one or more potential invitees that are not available and (3) a viewing option displaying the one or more potential invitees whose schedule could not be found,” as is recited in claim 1. Consequently, the Office has failed to establish a prima facie

case of obviousness. Applicants, therefore, respectfully request that the rejection of claim 1 be withdrawn.

With respect to dependent claims 2 and 3, these claims are allowable for at least the same reasons given above for claim 1 because claims 2 and 3 depend from claim 1.

With respect to independent claims 4-6, the above remarks for claim 1 apply because, like claim 1, claims 4-6 include the feature of “permitting the user to select from at least three results viewing options including “a viewing option displaying the one or more potential invitees that are available, a viewing option displaying the one or more potential invitees that are not available and a viewing option displaying the one or more potential invitees whose schedule could not be found.”

With respect to dependent claims 7-20, these claims are allowable for at least the same reasons given above for claims 1 and 4-6 because claims 7-20 depend from one of claims 1, 4, 5 and 6.

### ***New Claims***

New claims 21-24 are sought to be added. Claims 21-24 are believed to be allowable over the art of record because said art does not disclose or suggest:

determining whether any of the one or more potential invitees are unavailable during the requested time interval; and determining a next best time interval using a weighting function if it is determined that any of the one or more potential invitees are unavailable during the requested time interval.

### **Conclusion**

All of the stated grounds of objection and/or rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Office reconsider all presently outstanding objections and/or rejections, and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action

and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY, AND POPEO PC

A handwritten signature in black ink, appearing to read 'B. Rosenbloom', with a long horizontal flourish extending to the right.

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